

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Social Welfare Department - Nizamabad District – Armoor Village and Mandal – Land Acquired to an extent of Acs.27.07 Gts in Sy.No.425/2 to 425/9, 495/1, 401/57 and 401/58 for providing house sites to the Weaker Section People – Sanction of Rs.4,77,62,903/- towards balance decretal charges, as per orders dated 29.07.2009 of the Hon'ble High Court of A.P., in AS.No.1582/1991 and Cross Objections under Order 41 Rule 22 of CPC in O P. No 9/84 – Orders - Issued.

SOCIAL WELFARE (LA.2) DEPARTMENT

G.O Rt.No. 45

Dated: 23.01.2012

Read the following:-

1. From the District Collector, Nizamabad Lr.Rc.No.G2/2343/2002, dated 04.05.2011.
2. From the Commissioner of Social Welfare, A.P., Hyderabad, Lr.No.LA2/3852/2011, dated 02.07.2011..
3. From the Spl CS to Govt & CCLA, A.P., Hyderabad Lr.No.SRP3/799/2011, dated 21.11.2011.

O R D E R:

In the reference 3rd read above, the Special Chief Secretary to Government & Chief Commissioner of Land Administration, A.P., Hyderabad has stated that the LAO/Tahsildar Armoor has acquired land to an extent of Ac.27-07 Gts situated at Armoor Village & Mandal of Nizamabad District for providing house sites to the Weaker Section People, by passing Award Procs.No.A8/7111/78, dated 27.01.1983 duly fixing the land value at Rs. 9,000/- per acre for dry lands and paid compensation. Aggrieved on this the awardees filed protest petition U/s 18 of the LA Act in the Court of Hon'ble Addl. District Judge, Nizamabad. The Additional District Court, Nizamabad in its orders dated 12.12.1990 in OP.No.9/84 has enhanced the market value @ Rs.30/- per Square Yard after deduction of 1/5th area for development along with admissible benefits of 30% Solatium over the enhanced compensation and 12% Additional Market value and 9% interest for one year and thereafter 15% interest till payment of entire amount, after deducting the amounts already paid by the LAO. Based on opinion of the Government Pleader, Nizamabad, the LAO has filed an appeal in the Hon'ble High Court, of A.P., Hyderabad. The Hon'ble High Court in the Judgment in AS.No.1582/91, dated 18.12.1996 allowed the appeal in part and determined the market value at Rs.18 per Sq.Yd instead of Rs.30 per Sq.Yd for the entire acquired land besides statutory benefits that are already awarded by the reference court. The Government Pleader for Appeals, High Court A.P., Hyderabad has opined that it is a fit case to approach the Hon'ble Supreme Court of India by filing the SLP vide his Lr.No. AS.1582/91 & Cross Objections/A2/Opn, dated 30.07.2007. The LAO/MRO, Armoor handed over all the required documents to Advocate on Record after obtaining permission from the Commissioner of Social Welfare, A.P., Hyderabad for filing the SLP in Hon'ble Supreme Court. The Hon'ble Supreme Court of India in SLP © No.3245/1999 dated 02.3.2006 called on appeals for hearing and passed orders that the matter remitted to the Hon'ble High Court for fresh consideration of the appeals and the Cross Objections in accordance with law. The Hon'ble High Court of A.P., in its Judgment dated 29.7.2009 in AS. No. 1582/1991 and Cross Objections has enhanced the market value from Rs.30/- to Rs.60/- per Sq. Yd and also ordered that claimants shall be entitled to all the statutory benefits available to them as per the Land Acquisition Amendment Act, 68 of 1984 and in the light of the Judgment of the constitution Bench of the Apex Court in Sunder Vs Union of India. The District Collector, Nizamabad has submitted proposals for sanction of Rs.4,79,17,439/- towards payment of balance decretal charges in OP.No.9/84 for the land acquired to an extent of Ac.27.07 Gts situated at Armoor Village & Mandal of Nizamabad District for providing house sites to the weaker section people.

PTO

The Special Chief Secretary to Government & Chief Commissioner of Land Administration, A.P., Hyderabad, after verification and scrutiny of the Calculation sheet submitted by the District Collector, Nizamabad, has sent comparative calculation sheet for Rs.4,77,62,903/- (Rupees Four Crores Seventy Seven Lakh Sixty Two Thousand Nine Hundred and Three only) towards payment of balance decretal charges in OP.No.9/84 for the land acquired to an extent of Ac.27.07Gts situated at Armoor Village & Mandal of Nizamabad District for providing house sites to the weaker section people. The Special Chief Secretary to Government & Chief Commissioner of Land Administration, A.P., Hyderabad has further stated that the Advocate General, AP., High Court has opined that it is not a fit case for filing SLP before the Hon'ble Supreme Court of India. The Commissioner of Legal Affairs has opined that there is opinion of Advocate General upon and file may be processed subject to correct calculation.

3. After careful examination of the entire matter, Government hereby accord sanction to the Commissioner of Social Welfare, A.P., Hyderabad to release an amount of Rs.4,77,62,903/- (Rupees Four Crore Seventy Seven Lakhs Sixty Two Thousand Nine Hundred and Three only) to the District Collector, Nizamabad, towards payment of balance decretal charges, as per orders dated 29.07.2009 of the Hon'ble High Court of A.P., in AS.No.1582/1991 and Cross Objections under Order 41 Rule 22 of CPC in OP. No 9/84 as reported by the District Collector, Nizamabad/Commissioner of Social Welfare, A.P., Hyderabad in respect of the land acquired to an extent of Ac.27.07 Gts in Sy.No.425/2 to 425/9, 495/1, 401/57 and 401/58 situated at Armoor Village & Mandal of Nizamabad District for providing house sites to the weaker section people. for providing house sites to the weaker section people.

4. The amount of expenditure sanctioned in para (3) above shall be met within the BE.2011-12 and debited to the following Head of Account.

“2225-Welfare of Scheduled Castes, Scheduled Tribes and other Backward Classes – 01 – Welfare of Scheduled Castes – M.H.283- Housing – G.H.11-Normal State Plan – SH(08) Acquisition of House Sites to weaker sections in Indiramma Programme – 310/312 – Other Grants – in – Aid”.

5. The Commissioner of Social Welfare, A.P., Hyderabad is directed to issue necessary proceedings to the District Collector, Nizamabad accordingly.

6. The District Collector, Nizamabad shall verify the calculation sheet submitted by the Land Acquisition Officer once again, before issue of proceedings for releasing the amount. If any discrepancy/excess claim is found in the calculation sheet in future, the Land Acquisition Officer shall be held solely responsible.

7. This order issues with the concurrence of Finance (Expr.SW) Department, as per their U.O Note No.34438/420/A1/Exp.SW/2011, dated 03.01.2012

(BY ORDER AND IN THE NAME OF THE GOVRNOR OF ANDHRA PRADESH)

**J. RAYMOND PETER
PRINCIPAL SECRETARY TO GOVERNMENT**

To

The Special Chief Secretary to Government & Chief Commissioner of Land Administration, A.P., Hyderabad

The Commissioner of Social Welfare, A.P., Hyderabad,
The District Collector, Nizamabad.

Copy to:

The Director of Treasury & Accounts, A.P., Hyderabad,
The Accountant General, A.P., Hyderabad,
The District Treasury Officer, Nizamabad District.
Finance (Exp.SW/BG) Department SF/SC.

//FORWARDED:::BY ORDER//

SECTION OFFICER